

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

Amanda Patel, individually and on behalf of all others similarly situated,

C.A. No.: 9:22-cv-00384-DCN

Plaintiff,

v.

Beaufort County School District,

Defendant.

NOTICE OF REMOVAL OF CIVIL ACTION TO THE UNITED STATES DISTRICT COURT

Beaufort County School District (“Defendant” or “District”), by and through its undersigned counsel, and pursuant to 28 U.S.C. §§ 1441(a) and 1446(a), hereby files its Notice of Removal, based on the following grounds:

1. The District is the Defendant in State Case No. 2021-CP-07-02232, entitled “Amanda Patel, individually and on behalf of all others similarly situated v. Beaufort County School District.”
2. Plaintiff commenced the action referred to in Paragraph 1 by filing a Summons and Complaint in the South Carolina Court of Common Pleas, Beaufort County, on or about December 8, 2021. Copies of the Summons, Complaint and Acceptance of Service are attached hereto, as **Exhibit A**, and constitute all process, pleadings, and orders received by the District from Plaintiff.
3. Plaintiff served the Summons and Complaint on the Defendant on or about January 10, 2022; and Defense counsel accepted service on that same date.
4. The present action is a civil action over which this Court has original jurisdiction under 28 U.S.C. §§ 1331; and is one which the Defendant may remove pursuant to the provisions of 28 U.S.C. § 1441(a), because the Plaintiff’s claims arise under the laws of the United States.

5. Specifically, the Complaint alleges an unlawful taking and a violation of Due Process rights under the United States Constitution and the South Carolina Constitution, as well as violations of the South Carolina state law.

6. Therefore, the Complaint may properly be removed on the basis of federal question jurisdiction.

7. Venue for purposes of removal is proper in this Court pursuant to 28 U.S.C. § 1441(a), as the United States District Court of South Carolina, Beaufort Division, is the District and Division wherein the State Court action is pending and the circumstances giving rise to this action occurred.

8. This Notice of Removal is filed within thirty (30) calendar days after receipt by Defendant, by service or otherwise, of a copy of the initial pleading setting forth Plaintiff's claims for relief and is, therefore, timely under 28 U.S.C. § 1446(b).

9. The Defendant will file a copy of this Notice of Removal with the Clerk of Court of Common Pleas of Beaufort County, South Carolina, and will give written notice of this Notice of Removal to Plaintiff, the only adverse party, by serving a copy of the Notice on Plaintiff's counsel, as required by 28 U.S.C. § 1446(d). Copies of the Notice to State Court of Filing of Notice of Removal and Notice to Plaintiff of Removal are attached hereto as **Exhibit B** and **Exhibit C**.

WHEREFORE, Defendant prays that this Court accepts this Notice of Removal and that this Court takes jurisdiction of the above-entitled case and that all further proceedings in the South Carolina Court of Common Pleas, Beaufort County, bearing Case No.: 2021-CP-07-02232 be stayed.

[*SIGNATURE BLOCK FOLLOWS ON NEXT PAGE*]

Respectfully Submitted:

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February 8, 2022
Columbia, South Carolina